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ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/781,937	BUXTON ET AL.
	Examiner	Art Unit	
	Jason M. Borlinghaus	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2005 & 14 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1 – 23, 25 – 33, 35 – 43 and 45 – 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art (specification, pp. 1 – 5) in view of Alaia (US Patent 6,199,050).

Regarding Claim 1, Disclosed Prior Art discloses a method of collecting ("Once the vendor proposals have been <u>collected</u> and analyzed, the customer must choose one or more of the vendors to provide services to meet its telecommunications needs." – see p. 4, lines 17 – 19) commodity (telecommunication service) information including multiple predefined commodity designations (service class designations) representing multiple predefined commodities (class of service) and an estimated market price (historical prices - "...historical call data is typically gathered by the customer, e.g. from past bills..." – see p. 3, lines 1 – 2), stored in association with one or more of the commodity designations (service class designations – "However, service class designations are not typically listed in the billing formats used by most carriers." – see p. 3, lines 19 – 20), comprising:

- providing a reverse auction (bidding) environment. (see p. 3, line 24 – p. 4, line 16);

- receiving a request for proposals (RFP) from a customer at the reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities (telecommunication service). (see p. 3, line 26 – p. 4, line 6);

- soliciting multiple potential vendors (potential telecommunications vendors) to submit proposals responsive to the RFP in the reverse auction environment. (see p. 3, line 26 – p. 4, line 6);

- receiving one or more vendor proposals in the reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price (bid price) for the specified commodity (telecommunication service). (see p. 3, line 26 – p. 4, line 15); and

- extracting the proposed price (bid price) from each of the responsive vendor proposals. ("...took a team of 20 people an entire month to review and extract relevant bid information." – see p. 4, lines 11 – 14).

Disclosed Prior Art does not teach a method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, comprising:

- providing an online reverse auction environment accessible via a computer network;

- receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities;

- soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment,

- receiving one or more vendor proposals in the <u>online</u> reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity;

- <u>comparing the proposed price to the estimated market price of the specified commodity; and</u>

- <u>updating the database with the proposed price so that the estimated market price more accurately approximates an actual market price.</u>

Disclosed Prior Art does not teach that the method is automatic. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Conducting an auction, including a reverse auction, in an online environment is old and well known in the art of auctions. As evidenced by Alaia (see col. 2, line 23 – col. 5, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art by incorporating an online reverse auction, as was disclosed by Alaia, to increase the speed of the auction process and enhance the exposure of the auction process, allowing more potential bidders to participate.

Comparing proposed price (bid) to the estimated market price (ceiling) of a specified commodity and lowering the estimated market price (ceiling) to reflect the actual market price (lowest incoming bids) of a specified commodity is old and well

known in the art of auctions and sales. As evidenced by Alaia which states "A second option is to <u>set a ceiling at the lowest bid</u>. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (<u>the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling</u>)." (see col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Disclosed Prior Art by incorporating an estimated market price (ceiling) into the online reverse auction, as was disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize incoming bids which are not as low as the estimated market price.

Storage of information in a database and updating of such information is old and well known in the art of computer system and database design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-known, and providing a method by which to update the database, as is old and well-known, to provide an efficient manner by which to store, filter and, otherwise, analyze incoming bids.

Regarding Claim 2, Disclosed Prior Art does not teach a method in which the

updating of the database <u>includes updating the estimated market price only if the</u>

<u>proposed price is less than the estimated market price.</u>

Alaia discloses a method in which the updating of the database includes updating

the estimated market price (ceiling) only if the proposed price (incoming bid) is less

than the estimated market price (ceiling). ("A second option is to <u>set a ceiling at the</u>

<u>lowest bid</u>." – see col. 21, lines 33 – 38).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have further modified Disclosed Prior Art by incorporating an

estimated market price (ceiling) into the online reverse auction based upon the current

lowest bid, as per Alaia, and to readjust the estimated market price (ceiling) to reflect

the actual market price (lowest current bid), to filter out or otherwise de-prioritize

incoming bids which are not as low as the estimated market price.

Regarding Claim 3, neither Disclosed Prior Art nor Alaia teach a method in

which:

- <u>the estimated market price has an age and the updating of the database</u>

  <u>includes updating the estimated market price when its age exceeds a</u>

  <u>predetermined expiration age.</u>

Updating a database or having the database update values at a certain time is

old and well known in the art of database and computer system design. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to

have modified Disclosed Prior Art and Alaia by incorporating the ability to update the

estimated market price (ceiling), as disclosed Alaia, and the database containing such

information, as is old and well-known, when the estimate market price (ceiling) exceeds

a predetermined expiration age (a certain time is reached), as is old and well-known, to

ensure that the database and its contained information remains properly updated and

current.

    Regarding Claim 4, Disclosed Prior Art discloses a method in which:

- the RFP includes an anticipated quantity of the specified commodity

  (traffic per class of service) (see. p. 3, lines 25 – 27).

Disclosed Prior Art does not teach a method in which:

- the database includes a volume-based estimated market price for each of

  multiple predefined quantity ranges of each of the commodities, at least

  one of the predefined quantity ranges corresponding to the anticipated

  quantity of the RFP; and

- the comparison of the proposed price to the estimated market price

  includes comparing the proposed price to the volume-based estimated

  market price corresponding to the anticipated quantity.

Storage of information in a database and updating of such information is old and

well known in the art of computer system and database design. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-

known, and providing a method by which to update the database, as is old and well-

known, to provide an efficient manner by which to store, filter and, otherwise, analyze incoming bids.

Comparing proposed price (bid) to the estimated market price (ceiling) of a specified commodity and lowering the estimated market price (ceiling) to reflect the actual market price (lowest incoming bids) of a specified commodity is old and well known of auctions and sales. As evidenced by Alaia which states "A second option is to set a ceiling at the lowest bid. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling)." (see col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Disclosed Prior Art and Whitten by incorporating an estimated market price (ceiling) into the online reverse auction, as was disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize incoming bids which are not as low as the estimated market price.

As RFPs and proposed prices correspond to an anticipated quantity, it would have been obvious to one of ordinary skill to have related the estimated market price (ceiling), as disclosed by Alaia, to a volume (anticipated quantities/portion thereof), specifically to create a volume-based estimated market price that corresponds to the

anticipated quantity stated in the RFP, to have the estimated market price have any

form of relevance to the collection of bids.

Predefined quantity ranges are old and well known in the art of forecasting and

financial analysis, and it would have been obvious to one of ordinary skill to have

developed predefined quantity ranges corresponding to the anticipated quantity of the

.RFP or portions thereof and incorporated such predefined quantity ranges into

Disclosed Prior Art, Alaia and Whitten for price comparison simplicity.

Regarding Claims 5 – 8, Disclosed Prior Art discloses a method in which:

- the commodities include telecommunication services. (see pp. 1 – 5);

- the information collected includes one or more nonprice market terms for

  each of the commodities (telecommunication services). ("For example, the

  RFP may specify nonprice service plan features desired by the customer,

  such as contract duration...In response to the RFP, each interested

  vendor prepares a detailed proposal that represents a bid for the services

  or a portion thereof." – see p. 3, line 29 – p. 4, line 6 – establishing that

  information collected from potential vendors address nonprice market

  terms);

- the nonprice market term is associated with (a) one or more of the

  commodities (telecommunication services). (see p. 3, line 29 – p. 4, line

  5); and

- the nonprice market terms are selected from the group consisting of:

  (a) contract duration. (see p. 3, line 29 – p. 4, line 4);

(b) quality of service. (see p. 3, line 29 – p. 4, line 4);

(c) refund policies. (see p. 3, line 29 – p. 4, line 4);

(d) warranties. (see p. 3, line 29 – p. 4, line 4);

(e) customer service response time. (see p. 3, line 29 – p. 4, line 4);

(f) customer service escalation obligations. (see p. 3, line 29 – p. 4, line 4);

(g) multilingual support services. (see p. 3, line 29 – p. 4, line 4);

(h) e-mail response services. (see p. 3, line 29 – p. 4, line 4);

(i) exclusivity terms. (see p. 3, line 29 – p. 4, line 4);

(j) discounts. (see p. 3, line 29 – p. 4, line 4);

(k) installation fees. (see p. 3, line 29 – p. 4, line 4);

(l) risk allocation. (see p. 3, line 29 – p. 4, line 4);

(m) contract renewal terms. (see p. 3, line 29 – p. 4, line 4);

(n) contract termination conditions. (see p. 3, line 29 – p. 4, line 4); and

(o) any combination of (a) to (n). (see p. 3, line 29 – p. 4, line 4).

Disclosed Prior Art does not teach a method in which:

- the database includes one or more nonprice market terms for each of the commodities.

- the nonprice market term is associated with a combination

- (b) the estimated market price for said one or more commodities.

Storage of information in a database is old and well known in the art of computer system and database design. As evidenced by Whitten which discusses the well-known nature of database systems for storage of data (see p. 4 – 5). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as disclosed by

Whitten, and storing nonprice market terms on such a database, as disclosed by

Whitten, to provide an efficient manner by which to store, filter and, otherwise, analyze

incoming bids.

Comparing proposed price (bid) to the estimated market price (ceiling) of a

specified commodity is old and well known of auctions and sales. As evidenced by Alaia

which states "A second option is to set a ceiling at the lowest bid. In this case, some

suppliers may be prevented from bidding because they cannot meet the ceiling. This

does not matter if the buyer is indifferent over which supplier to award to (the buyer

awards to the lowest bidder either at the ceiling or the market price if bidding goes

below the ceiling)." (see col. 21, lines 33 – 38), as mentioned previously. It would have

been obvious to one of ordinary skill in the art at the time the invention was made that

when a bid price is compared (associated) with an estimated market price, the nonprice

terms attached to the bid price are, by virtue of being submitted in connection with a bid

proposal, are also associated with the estimated market price of said commodity.

Regarding Claims 9 – 15, Claims 9 -15 recite similar limitations to Claims 1 – 8,

in combination, and is therefore rejected using the same art and rationale as applied in

the rejection of Claims 1 – 8.

Regarding Claim 16, Disclosed Prior Art discloses a system for facilitating the

purchase of telecommunications services comprising:

- a customer traffic history information collection including traffic information (historical call data) describing a historical quantity of the telecommunications service used by a customer during a previous time period (billing period). ("To begin the negotiation process, historical call data is and service plan features, typically gathered by the customer, e.g., from past bills, and used to help forecast telecommunications needs for the duration of the proposed contract term" – see p. 3, lines 1 – 3);

- an RFP preparation stage for preparation of a request for proposals (RFP) describing an anticipated quantity of the telecommunications service. (see p. 3, lines 24 – 28);

- the RFP preparation utilizing the historical quantity from the customer traffic history information collection for use in determining the anticipated quantity of the telecommunications service. ("To begin the negotiation process, historical call data is and service plan features, typically gathered by the customer, e.g., from past bills, and used to help forecast telecommunications needs for the duration of the proposed contract term...The forecast telecommunications needs are then set forth

- in a request for proposals (RFP) that is distributed to potential telecommunications vendors." – see p. 3, lines 1 – 28);

- a reverse auction (bidding) environment, accessible by multiple potential vendors, the potential vendors including one or more interested vendors, the auction environment adapted to display the RFP to the interested

vendor and to receive bids on the RFP from the interested vendors. (see

p. 3, line 26 – p. 4, line 9); and

- a bid analysis stage in communication with the auction environment for

  analyzing the received bids. (see p. 4, lines 14 – 20).

Disclosed Prior Art does not teach a system for facilitating the purchase of

telecommunications services comprising:

- <u>a best of class database including an estimated market price for at least

  one telecommunications service</u>;

- a customer traffic history<u> database</u> including traffic information describing

  a historical quantity of the telecommunications service used by a customer

  during a previous time period;

- an RFP preparation <u>module accessible by the customer via the Internet</u> for

  preparation of a request for proposals (RFP) describing an anticipated

  quantity of the telecommunications service, the RFP preparation<u> module</u>

  <u>being adapted to extract the historical quantity from the customer traffic</u>

  <u>history database</u> for use in determining the anticipated quantity of the

  telecommunications service;

- an <u>online </u>reverse auction environment, accessible by multiple potential

  vendors<u> via the Internet</u>, the potential vendors including one or more

  interested vendors, the<u> online </u>reverse auction environment adapted to

  display the RFP to the interested vendor and to receive bids on the RFP

  from the interested vendors; and

- a bid analysis <u>module</u> in communication with the <u>online</u> reverse auction

  environment and the best of class database for analyzing the received

  bids.

Disclosed Prior Art does not teach that the system is automatic. However, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to have automated the method, since it has been held that broadly providing a

mechanical or automatic means to replace manual activity that accomplishes the same

result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Conducting auctions, including reverse auctions, in an online environment are old

and well known in the art of auctions. As evidenced by Alaia (see col. 2, line 23 – col. 5,

line 46). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Disclosed Prior Art by incorporating an online

reverse auction, as was disclosed by Alaia, to increase the speed of the auction process

and enhance the exposure of the auction process, allowing more potential bidders to

participate.

Preparing RFP for the reverse auction and, transmitting and/or displaying the

RFP to potential bidders via the Internet is old and well known in the art of auctions. As

evidenced by Alaia (col. 3, lines 7 – 65). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have modified Disclosed Prior Art

by incorporating the preparation of the RFP and communication of the RFP, as

disclosed by Alaia, in an online auction environment, as disclosed by Alaia, allowing

potential sellers to provide information to the system necessary to secure actual bids,

and allowing bidders to read information necessary to determine their own bids for

submission.

Storage of information in a database is old and well known in the art of computer

system and database design. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have modified Disclosed Prior Art by

incorporating a database, as is old and well-known, and storing customer traffic history

and classic designations, all of which have been disclosed by Disclosed Prior Art, and

estimated market price (ceiling), as disclosed by Alai (supra – see col. 21, lines 33 –

38), which is reflective of the best price (lowest bid) for the commodity, as disclosed by

Alai (supra – see col. 21, lines 33 – 38) to provide an efficient manner by which to store,

filter and, otherwise, analyze incoming bids.

Modular programming and constructing a system from modular components is

old and well known in the art of computer system and manufacturing design. It would

have been obvious to one of ordinary skill at the time the invention was made to have

modified Disclosed Prior Art and Alaia to have been constructed utilizing a modular

design to capture all the benefits and advantages of modular design such as being

easier to debug and maintain.

Extraction and transferring data/information between systems, programs and/or

modules is old and well known in the art of computer system design and computer

communication. It would have been obvious to one of ordinary skill to have modified

Disclosed Prior Art and Alaia to allow for extraction of information from the database for

use in the development of a forecast, an established manual process, as disclosed by

Disclosed Prior Art (see specification, p. 3, lines 1 – 3), to speed up the forecasting

process with automatic extraction and transmission of needed information from storage.

Regarding Claim 17, Disclosed Prior Art discloses a system further comprising:

- receiving bids from the interested vendors. (see p. 3, line 26 – p. 4, line

  15).

Neither Disclosed Prior Art nor Alaia teach a system further comprising:

- <u>a database updating module for updating the best of class database in</u>

  <u>response</u> to the bids received from the interested vendors.

Storage of information in a database and updating of such information is old and

well known in the art of computer system and database design. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-

known, and providing for the updating the database, as is old and well-known, upon the

receipt of bids from interested vendors, as disclosed by Disclosed Prior Art, as the

arrival of new bids would constitute the entrance of new data into the database

necessitating an update.

Regarding Claim 18, Disclosed Prior Art does not teach a system in which:

- <u>the online reverse auction environment includes security for admitting</u>

  <u>potential vendors only with a valid username and password.</u>

Alaia discloses a system in which:

- the online reserve auction environment includes security (evaluating

  authorization) for potential vendors. ("When a bidder submits a bid, that

bid is sent to the server component and <u>evaluated to determine whether the bid is from an authorized bidder</u>, and whether the bid has exceeded a pre-determined maximum acceptable price." – see col. 4, lines 4 – 7).

Utilizing a valid username and password to secure access and admittance to a computer application or a designated online environment is old and well known in the art of online applications and computer system design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating a security system, as disclosed by Alaia, utilizing a password and userid to allow to provide an easily implemented security system for the online auction environment.

Regarding Claims 19 – 23, Disclosed Prior Art discloses a system in which:

- a ranking of the new bid (proposal) relative to the bids (proposals) previously received in the reverse auction (bidding) environment. (see p. 4, lines 4 – 20. It is inherent in an auction environment that there is some ranking of incoming bids in order to select a top or winning bidder).

Disclosed Prior Art does not teach a method in which:

- a ranking of the new bid relative to the bids previously received at the <u>online</u> reverse auction environment;

- <u>the bid analysis module is configured to provide a feedback in response to receipt of a new bid at the online reverse auction environment;</u>

- <u>the feedback includes a ranking of the new bid relative to the bids previously received at the online reverse auction environment;</u>

- the feedback is provided to the interested vendor that submitted the new
  bid;

- the feedback is provided via email to interested vendors that have
  submitted bids previous to the new bid; and

- the feedback is provided via email to the potential vendors.

Alaia discloses a system in which:

- a ranking of the new bid relative to the bids previously received at the
  online reverse auction environment. ("For example, the rank of a bid can
  be considered..." – see col. 13, lines 62 – 65);

- the bid analysis module is configured to provide a feedback (broadcast) in
  response to receipt of a new bid (bids placed by supplier) at the online
  reverse auction environment. (see col. 4, lines 7 – 11);

- the feedback (broadcast) is provided to the interested vendor that
  submitted the new bid (all connected bidders). (see col. 4, lines 7 – 11);

- the feedback (broadcast) is provided to interested vendors that have
  submitted bids previous to the new bid (all connected bidders). (see col. 4,
  lines 7 – 11); and

- the feedback (broadcast) is provided via email to the potential vendors (all
  connected bidders). (see col. 4, lines 7 – 11).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Disclosed Prior Art by incorporating a ranking

system, as disclosed by Alaia, to allow for the organization and analysis of incoming

bids into winning and failing bids, as disclosed by Disclosed Prior Art, effectively and efficiently.

It would have been obvious to one of ordinary skill in the art at the time to modified Disclosed Prior Art by incorporating a feedback mechanism, as disclosed by Alaia, to keep all bidders and potential bidders appraise of the status of the marketplace and their place within the marketplace.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia to allow for the inclusion of any information into the feedback that the inventor desired, such as the ranking of the bids.

Utilizing email for the transmission of information to connected system users is old and well known in the art of communication and information transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia to allow for transmission of feedback, as disclosed by Alaia, through an email, an established and existing technological means for transmission of such information.

Regarding Claim 25, Claim 25 recites similar limitations to Claim 4 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 4.

Regarding Claim 26, Disclosed Prior Art discloses a system:

- in which, the telecommunication service information includes one or more nonprice market terms for telecommunications services. ("For example,

the RFP may specify nonprice service plan features desired by the

customer, such as contract duration...".– see p. 3, line 29 – p. 4, line 6);

- the RFP preparation includes the customer's entry for one or more desired

   nonprice terms. (see p. 3, line 29 – p. 4, line 6); and

- in the auction environment the interested vendors respond to the desired

   non price terms as part of the bids of the interested vendors. ("For

   example, the RFP may specify nonprice service plan features desired by

   the customer, such as contract duration...In response to the RFP, each

   interested vendor prepares a detailed proposal that represents a bid for

   the services or a portion thereof." – see p. 3, line 29 – p. 4, line 6 –

   establishing that information collected from potential vendors address

   nonprice terms).

Disclosed Prior Art does not teach a system:

- in which, the database includes one or more nonprice market terms for the

   telecommunications services;

- the RFP preparation module prompts the customer for one or more

   desired nonprice terms; and

- the online reverse auction environment prompts the interested vendors for

   responses to the desired nonprice terms as pad of the bids of the

   interested vendors.

Conducting auctions, including reverse auctions, in an online environment are old

and well known in the art of auctions. As evidenced by Alaia (see col. 2, line 23 – col. 5,

line 46). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Disclosed Prior Art by incorporating an online

reverse auction, as was disclosed by Alaia, to increase the speed of the auction process

and enhance the exposure of the auction process, allowing more potential bidders to

participate.

Storage of information in a database is old and well known in the art of computer

system and database design. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have modified Disclosed Prior Art and Alaia by

incorporating a database, as is old and well-known, and storing nonprice market terms

on such a database, as is old and well-known, to provide an efficient manner by which

to store, filter and, otherwise, analyze incoming bids.

Preparing RFP for the reverse auction and, transmitting and/or displaying the

RFP to potential bidders is old and well known in the art of auctions. As evidenced by

Alaia (col. 3, lines 7 – 65). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to have modified Disclosed Prior Art by

incorporating the preparation of the RFP and communication of the RFP, as disclosed

by Alaia, in an online auction environment, as disclosed by Alaia, allowing potential

sellers to provide information to the system necessary to secure actual bids, and

allowing bidders to read information necessary to determine their own bids for

submission.

Prompting a user for information and/or input is old and well known in the art of

computer system design and online environments. It would have been obvious to one

with ordinary skill in the art at the time the invention was made to have modified

Disclosed Prior Art and Alaia to prompt users for the input of information when the

system required such information to ensure the input of the required information for

proper system functioning.

Regarding Claim 27, Disclosed Prior Art discloses a system in which:

- the bid analysis function analyzes the responses to the desired nonprice

  terms when analyzing the the received bids. (see p. 3, line 25 – p. 4, line

  20 – It is inherent that the bid analysis also analyses the responses to the

  desired nonprice terms since the RFP includes nonprice terms (supra), the

  bid made in response to the RFP includes the nonprice terms (supra) and

  the analysis is made of the bid and its component terms (other terms - see

  p. 4, lines 9 – 11)).

Disclosed Prior Art does not teach a system:

- in which the bid analysis <u>module is adapted</u> to analyze the responses to

  the desired nonprice terms when analyzing the received bids.

Disclosed Prior Art does not teach that the bid analysis is automatic. However, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to have automated the method, since it has been held that broadly providing a

mechanical or automatic means to replace manual activity that accomplishes the same

result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding Claim 28, Claim 28 recites similar limitations to Claims 16 and 17, in

combination, and a portion of Claim 9 regarding "updating the database with the

proposed price (received bids)..." and is therefore rejected using the same art and rationale as applied in the rejection of Claims 9, 16 and 17.

Regarding Claims 29 – 30, Claims 28 - 30 recite similar limitations to Claims 18, 21 and 23, respectively, and is therefore rejected using the same art and rationale as applied in the rejection of Claims 18, 21 and 23.

Regarding Claims 31 - 32, Disclosed Prior Art discloses a system in which:

- a ranking of the newly received bid relative to the previously received bid. (see p. 4, lines 4 – 20. It is inherent in an auction environment that there is some ranking of incoming bids in order to select a top or winning bidder).

Disclosed Prior Art does not teach a system in which:

- the received bids include a newly received bid and a previously received bid; and

- the feedback includes a ranking of the newly received bid relative to the previously received bid.

Alaia discloses a system in which:

- the received bids include a newly received bid (bid received at 10:29:06) and a previously received bid (bid received at 10:26:49). (see col. 5, lines 5 – 15);

- the production of feedback (broadcast); (see col. 4, lines 7 – 11); and

- ranking of the newly received bid relative to the previously received bid. ("For example, the rank of a bid can be considered..." – see col. 13, lines 62 – 65);

It would have been obvious to one of ordinary skill in the art at the time the invention was made that bids received over the duration a bidding period, as disclosed by Disclosed Prior Art (see p. 4, lines 7 – 9), would consist of one bid received prior to a second bid, as disclosed by Alaia, as is the nature of bids received over the duration of a time period.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art by incorporating a ranking system, as disclosed by Alaia, to allow for the organization and analysis of incoming bids into winning and failing bids, as disclosed by Disclosed Prior Art, effectively and efficiently.

It would have been obvious to one of ordinary skill in the art at the time to modified Disclosed Prior Art by incorporating a feedback mechanism, as disclosed by Alaia, to keep all bidders and potential bidders appraise of the status of the marketplace and their place within the marketplace.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia to allow for the inclusion of any information into the feedback that the inventor desired, such as the ranking of the bids.

Regarding Claim 33, Disclosed Prior Art does not teach a system in which:

- the feedback is provided to the interested vendor that submitted the previously received bid.

Alaia discloses a system in which:

- the feedback (broadcast) is provided to the interested vendor that

    submitted the previously received bid (all connected bidders). (see col. 4,

    lines 7 – 11).

It would have been obvious to one of ordinary skill in the art at the time to

modified Disclosed Prior Art by incorporating a feedback mechanism, as disclosed by

Alaia, to keep bidders appraised of the status of the marketplace and their place within

the marketplace.

Regarding Claim 35, Disclosed Prior Art discloses a system in which:

- the system includes an anticipated quantity of the specified commodity

    (traffic per class of service) (see. p. 3, lines 25 – 27).

Disclosed Prior Art does not teach a method in which:

- the best of class database includes a volume-based estimated market

    price for each of multiple predefined quantity ranges of each of the

    telecommunications services, at least one of the quantity ranges

    corresponding to the anticipated quantity of the telecommunications

    service; and

- the bid analysis module is adapted to compare the received bid with the

    volume-based estimated market price corresponding to the anticipated

    quantity.

Storage of information in a database and updating of such information is old and

well known in the art of computer system and database design. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-known, and providing a method by which to update the database, as is old and well-known, to provide an efficient manner by which to store, filter and, otherwise, analyze incoming bids.

Comparing proposed price (bid) to the estimated market price (ceiling) of a specified commodity and lowering the estimated market price (ceiling) to reflect the actual market price (lowest incoming bids) of a specified commodity is old and well known of auctions and sales. As evidenced by Alaia which states "A second option is to set a ceiling at the lowest bid. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling)." (see col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Disclosed Prior Art and Whitten by incorporating an estimated market price (ceiling) into the online reverse auction, as was disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize incoming bids which are not as low as the estimated market price.

As RFPs and proposed prices (bids) correspond to an anticipated quantity, it would have been obvious to one of ordinary skill to have related the estimated market

price (ceiling), as disclosed by Alaia, to a volume (anticipated quantities/portion thereof),

specifically to a volume-based estimated market price that corresponds to the

anticipated quantity stated in the RFP, to have the estimated market price have any

form of relevance to the collection of bids.

Predefined quantity ranges are old and well known in the art of forecasting and

financial analysis, and it would have been obvious to one of ordinary skill to have

developed predefined quantity ranges corresponding to the anticipated quantity of the

RFP or portions thereof and incorporated such predefined quantity ranges into

Disclosed Prior Art and Alaia for price comparison simplicity.

Regarding Claims 36 - 37, Claims 36 - 37 recite similar limitations to Claims 26

– 27 and are therefore rejected using the same art and rationale as applied in the

rejection of Claims 36 - 37.

Regarding Claims 38, Disclosed Prior Art discloses a system in which:

- the telecommunication service information includes one or more nonprice

  market terms for telecommunications services. ("For example, the RFP

  may specify nonprice service plan features desired by the customer, such

  as contract duration...".– see p. 3, line 29 – p. 4, line 6).

Disclosed Prior Art does not teach a system in which:

- the best of class database includes one or more nonprice market terms for

  the telecommunications services; and

- the database updating module is adapted to update the estimated market

  price and the nonprice market terms of the best of class database.

Comparing proposed price (bid) to the estimated market price (ceiling) of a

specified commodity and lowering the estimated market price (ceiling) to reflect the

actual market price (lowest incoming bids) of a specified commodity is old and well

known in the art of auctions and sales. As evidenced by Alaia which states "A second

option is to set a ceiling at the lowest bid. In this case, some suppliers may be

prevented from bidding because they cannot meet the ceiling. This does not matter if

the buyer is indifferent over which supplier to award to (the buyer awards to the lowest

bidder either at the ceiling or the market price if bidding goes below the ceiling)." (see

col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have further modified Disclosed Prior Art by

incorporating an estimated market price (ceiling) into the online reverse auction, as was

disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical

billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated

market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to

reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize

incoming bids which are not as low as the estimated market price.

Storage of information in a database and updating of such information is old and

well known in the art of computer system and database design. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as disclosed by

Whitten, and providing a method by which to update the database, as is old and well-

known, as new estimated market prices and nonprice market terms are received, to

provide an efficient manner by which to store, filter and, otherwise, analyze incoming

bids.

   Regarding Claim 39, Disclosed Prior Art discloses a system for reducing the

cost of telecommunications services, comprising:

- a customer traffic history information collection including traffic information

    (historical call data) describing a historical quantity of at least some of the

    classes of telecommunications service (classes of service) used by a

    customer during a previous time period (billing period). (see p. 3, lines 1 –

    3);

- a spending analysis stage for reading multiple telecommunications billing

    statements including traffic detail data (detailed billing statements). (see p.

    2, line 7 – p. 3, line 23);

- extracting (gather) the traffic detail data (historical call data) from the

    telecommunications billing statements (detailed billing statements). (see p.

    2, line 29 – p. 3, line 28);

- a RFP preparation stage for preparation of a request for proposals (RFP)

    describing an anticipated quantity of a specified one of the classes of

    telecommunications service (class of service). (see p. 3, line 24 – p. 4, line

    16);

- the RFP preparation stage being adapted to extract (gather) the historical

    quantity (historical call data) from the customer traffic history information

    collection for use in determining the anticipated quantity of the specified

class of telecommunications service (class of service). (see p. 2, line 29 –

p. 3, line 28);

- a reverse auction (bidding) environment accessible by multiple potential

  vendors, the potential vendors including one or more interested vendors,

  the reverse auction environment adapted to present the RFP to the

  interested vendors and to receive bids on the RFP from the interested

  vendors. (see p. 3, line 26 – p. 4, line 9); and

- a bid analysis stage in communication with the reverse auction (bidding)

  environment for analyzing the received bids. (see p. 3, line 26 – p. 4, line

  9).

Disclosed Prior Art does not teach a system comprising:

- <u>a best of class database including multiple generic classes of</u>

  <u>telecommunications service and an estimated market price for one or</u>

  <u>more of the generic classes of telecommunications service;</u>

- a customer traffic history <u>database</u> including traffic information describing

  a historical quantity of at least some of the <u>generic</u> classes of

  telecommunications service used by a customer during a previous time

  period;

- a spending analysis software module for reading multiple

  telecommunications billing statements including traffic detail data,

  extracting the traffic detail data from the telecommunications billing

  statements, <u>converting the traffic detail data to the generic classes of</u>

telecommunications service, and updating the historical quantity of the

customer traffic history database with the converted traffic detail data;

- an RFP preparation module accessible by the customer via the Internet for

    preparation of a request for proposals (RFP) describing an anticipated

    quantity of a specified one of the generic classes of telecommunications

    service, the RFP preparation module being adapted to extract the

    historical quantity from the customer traffic history database for use in

    determining the anticipated quantity of the specified generic class of

    telecommunications service;

- an online reverse auction environment accessible by multiple potential

    vendors via the Internet, the potential vendors including one or more

    interested vendors, the online reverse auction environment adapted to

    present the RFP to the interested vendors and to receive bids on the RFP

    from the interested vendors;

- a bid analysis module in communication with the online reverse auction

    environment and the best of class database for analyzing the received

    bids and generating a feedback in response to the received bids; and

- a database updating module for updating the best of class database with

    at least one of the received bids so that the estimated market price more

    accurately approximates an actual market price.

Alaia discloses a system in which:

- generating a feedback (broadcast) in response to the received bids. (see

   col. 4, lines 7 – 11).

Disclosed Prior Art does not teach that the method is automatic. However, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to have automated the method, since it has been held that broadly providing a

mechanical or automatic means to replace manual activity that accomplishes the same

result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Conducting auctions, including reverse auctions, in an online environment are old

and well known in the art of auctions. As evidenced by Alaia (see col. 2, line 23 – col. 5,

line 46). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Disclosed Prior Art by incorporating an online

reverse auction, as was disclosed by Alaia, to increase the speed of the auction process

and enhance the exposure of the auction process, allowing more potential bidders to

participate.

Comparing proposed price (bid) to the estimated market price (ceiling) of a

specified commodity and lowering the estimated market price (ceiling) to reflect the

actual market price (lowest incoming bids) of a specified commodity is old and well

known in the art of auctions and sales. As evidenced by Alaia which states "A second

option is to set a ceiling at the lowest bid. In this case, some suppliers may be

prevented from bidding because they cannot meet the ceiling. This does not matter if

the buyer is indifferent over which supplier to award to (the buyer awards to the lowest

bidder either at the ceiling or the market price if bidding goes below the ceiling)." (see

col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Disclosed Prior Art by incorporating an estimated market price (ceiling) into the online reverse auction, as was disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize incoming bids which are not as low as the estimated market price.

Storage of information in a database and updating of such information is old and well known in the art of computer system and database design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-known, and providing a method by which to update the database, as is old and well-known, to provide an efficient manner by which to store, filter and, otherwise, analyze incoming information.

Modular programming and constructing a system from modular components is old and well known in the art of computer system and manufacturing design. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Disclosed Prior Art and Alaia to have been constructed utilizing a modular design to capture all the benefits and advantages of modular design such as being easier to debug and maintain.

Converting or translating data into a pre-determined generic format is old and

well known in the art of computer systems and data management. It would have been

obvious to one of ordinary skill at the time the invention was made to have converted

traffic data into a generic traffic format which defines multiple generic classes of service,

as traffic is defined by the class of service (see specification, p. 2, lines 2 – 4) to aid the

reading and analysis of billing statements in nonstandard formats, as such conversion

must be taking place, at least within the minds of the analysts ("Since different

telecommunications carriers deliver computer-readable billing data in different formats,

the task of compiling historical use summaries and forecasting traffic is highly

burdensome for a large company..." – see specification, p. 3, lines 3 – 7 – It is inherent

that in compiling a summary based upon billing data in different formats would need to

be converted into a common/standardized format, even if such conversion is mental, for

summarization to take place).

Additionally, it would have been obvious to one of ordinary skill in the art at the

time to modified Disclosed Prior Art by incorporating a feedback mechanism, as

disclosed by Alaia, to keep all bidders and potential bidders appraise of the status of the

marketplace and their place within the marketplace.

Regarding Claims 40 – 43, Claims 40 – 43 recite similar limitations to Claims

21, 23, 32 and 30, respectively, and are therefore rejected using the same art and

rationale as applied in the rejection of Claims 21, 23, 32 and 30.

Regarding Claim 45, Claim 45 recites similar limitations to Claim 25 with the

inclusion of "generic classes" of service, as each telecommunications service would

constitute a class of service, by its nature, and the conversion of traffic data into a

generic format, as discussed in Claim 39, Claim 45 is therefore rejected using the same

art and rationale as applied in the rejection of Claim 25.

Regarding Claims 46 – 47, Claims 46 – 47 recite similar limitations to Claims 36

– 37 and are rejected using the same art and rationale as applied in the rejections of

Claims 36 – 37.

Regarding Claim 48, Claim 48 recites similar limitations to Claim 38 with the

inclusion of "generic classes" of service, as each telecommunications service would

constitute a class of service, by its nature, and the conversion of traffic data into a

generic format, as discussed in Claim 39, Claim 45 is therefore rejected using the same

art and rationale as applied in the rejection of Claim 25.

Regarding Claim 49, Disclosed Prior Art discloses a method of analyzing

telecommunications traffic comprising:

- extracting (gathering) traffic detail data (historical call data) from multiple

  billing statements. ("To begin the negotiation process, <u>historical call data is</u>

  <u>typically gathered by the customer, e.g., from past bills</u>..." – see p. 3, lines

  1 – 2);

- the billing statements being received from various telecommunications

  carriers. ("This is especially true <u>when multiple carriers are used</u>, because

  the carriers do not typically use the same billing format or provide the

  same kinds of traffic information." – see p. 2, lines 17 – 19);

- the traffic detail data (historical call data) of each billing statement

  describing at least one telecommunications traffic event (one billable

  event). (It is inherent that historical call data obtained from a billing

  statement would describe at least one billable event); and

- summarizing the traffic detail data (compiling historical use summaries).

  (see p. 3, lines 3 – 7).

Disclosed Prior Art does not teach

- <u>converting the traffic detail data to a generic traffic format, the generic</u>

  <u>traffic format defining multiple generic classes of service;</u>

- <u>storing the converted traffic detail data in a customer traffic history</u>

  <u>database;</u> and

- summarizing the <u>converted</u> traffic detail data.

Disclosed Prior does not teach that the extraction and summarization method is

automatic. However, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have automated the method, since it has been held that

broadly providing a mechanical or automatic means to replace manual activity that

accomplishes the same result involves only routine skill in the art. *In re Venner*, 120

USPQ 192.

Converting or translating data into a generic format is old and well known in the

art of computer systems and data management. It would have been obvious to one of

ordinary skill at the time the invention was made to have converted traffic data into a

generic traffic format which defines multiple generic classes of service, as traffic is

defined by the class of service (see specification, p. 2, lines 2 – 4), to aid the reading

and analysis of billing statements in nonstandard formats to aid the reading and

analysis of billing statements in nonstandard formats, as such conversion must be

taking place, at least within the minds of the analysts ("Since different

telecommunications carriers deliver computer-readable billing data in different formats,

the task of compiling historical use summaries and forecasting traffic is highly

burdensome for a large company..." – see specification, p. 3, lines 3 – 7 – It is inherent

that in compiling a summary based upon billing data in different formats would need to

be converted into a common/standardized format, even if such conversion is mental, for

summarization to take place).

Storage of information in a database is old and well known in the art of computer

system and database design. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have modified Disclosed Prior Art by

incorporating a database, as is old and well-known, to provide an efficient manner by

which to store incoming information.

Regarding Claims 50 – 52, Disclosed Prior Art discloses a system:

- in which analyzing the traffic detail data (billing statements) to determine

  an actual cost of the telecommunications traffic. (see p. 2, lines 7 – 12 – It

  is inherent that in analyzing traffic detail data and identifying overcharges,

  the actual cost of telecommunications traffic must be determined); and

- comparing the actual cost to the estimated market price (rate at which the

  market is moving). (see p. 5, lines 4 – 8 – It is inherent that seeking cost

reductions by deciding whether to issue an RFP, after consideration of "rate at which the market is moving", would entail a comparison of the actual cost (currently paid cost) of telecommunication service to the estimated market price (rate at which market is moving), as such a comparison would be critical in deciding whether to issue an RFP); and

- further comprising generating an RFP recommendation notice (RFP determination) when the actual cost exceeds the estimated market price. (see p. 5, lines 8 – 9).

Disclosed Prior Art does not teach a method:

- <u>further comprising providing a best of class database including an estimated market price for one or more of the generic classes of service; and</u>

- <u>further comprising updating the best of class database based on the actual cost.</u>

Comparing proposed price (bid) to the estimated market price (ceiling) of a specified commodity and lowering the estimated market price (ceiling) to reflect the actual market price (lowest incoming bids) of a specified commodity is old and well known in the art of auctions and sales. As evidenced by Alaia which states "A second option is to <u>set a ceiling at the lowest bid</u>. In this case, some suppliers may be prevented from bidding because they cannot meet the ceiling. This does not matter if the buyer is indifferent over which supplier to award to (<u>the buyer awards to the lowest bidder either at the ceiling or the market price if bidding goes below the ceiling</u>)." (see

col. 21, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Disclosed Prior Art by incorporating an estimated market price (ceiling) into the online reverse auction, as was disclosed by Alaia, either based upon the current lowest bid, as per Alaia, or historical billing data, as per Disclosed Prior Art, to compare incoming bids to such an estimated market price, as disclosed by Alaia, and readjust the estimated market price (ceiling) to reflect the actual market price (lowest current bid), to filter out or otherwise de-prioritize incoming bids which are not as low as the estimated market price.

Storage of information in a database and updating of such information is old and well known in the art of computer system and database design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-known, and providing a method by which to update the database, as is old and well-known, to provide an efficient manner by which to store, filter and, otherwise, analyze incoming information.

Converting, translating and standardizing data or information into a pre-determined generic or common format is old and well known in the art of computer systems and information management. It would have been obvious to one of ordinary skill at the time the invention was made to have converted traffic data into a generic traffic format which defines multiple generic classes of service, as traffic is defined by the class of service (see Disclosed Prior Art, p. 2, lines 2 – 4), to aid the reading and analysis of billing statements in nonstandard formats, as such conversion must be

taking place, at least within the minds of the analysts ("Since different

telecommunications carriers deliver computer-readable billing data in different formats,

the task of compiling historical use summaries and forecasting traffic is highly

burdensome for a large company..." – see specification, p. 3, lines 3 – 7 – It is inherent

that in compiling a summary based upon billing data in different formats would need to

be converted into a common/standardized format, even if such conversion is mental, for

summarization to take place).

Regarding Claim 53 - 54, Disclosed Prior Art discloses a method in which:

- the traffic detail data includes, for each telecommunications traffic event, a

  traffic direction, a type of service, a boundary type, and an applicable

  carrier rate schedule. ("Voice traffic classes may differentiate

  telecommunications traffic based on origination location, termination

  location, whether the traffic was incoming or outgoing, the time of the

  traffic event, and the rate schedule to be applied." – see p. 3, lines 15 –

  18).

Disclosed Prior Art does not teach a method in which:

- the converting of traffic detail data to the generic traffic format includes

  applying a predefined set of translation rules that relate the traffic detail

  data to a set of predefined generic classes of service based on the traffic

  direction, the type of service, the boundary type, and the applicable rate

  schedule of the traffic detail data;

- providing a traffic classification conversion table including the multiple

  generic classes of service and associated with carrier-dependent traffic

  detail characteristic; and for each telecommunications traffic event,

  identifying in the traffic classification conversion table a matching one of

  the generic classes of service associated with the carrier-dependent traffic

  characteristics that correspond to the traffic direction, the type of service,

  the boundary type, and the applicable rate schedule of the

  telecommunications traffic event.

Converting, translating, standardizing and/or categorizing data or information into

a pre-determined generic/common format or grouping is old and well known in the art of

computer systems and information management. It would have been obvious to one of

ordinary skill at the time the invention was made to have converted traffic data into a

generic traffic format and categorized it into groupings to aid the reading and analysis of

billing statements, as such conversion must be taking place, at least within the minds of

the analysts ("Since different telecommunications carriers deliver computer-readable

billing data in different formats, the task of compiling historical use summaries and

forecasting traffic is highly burdensome for a large company..." – see specification, p. 3,

lines 3 – 7 – It is inherent that in compiling a summary based upon billing data in

different formats would need to be converted into a common/standardized format, even

if such conversion is mental, for summarization to take place).

As such conversion and/or categorization would require some format by which to

map incoming information or data to a generic /standardized format or category, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to have modified Disclosed Prior Art to allow for any mapping process that the inventor

desired, such as a set of translation rules or a conversion table.

Regarding Claim 55, Disclosed Prior Art discloses a method in which:

- the traffic direction is selected from the group consisting of incoming and

  outgoing. (see p. 3, lines 15 – 18);

- the type of service is selected from the group consisting of voice, paging,

  cellular, and data transmission. (see p. 1, lines 23 – 26); and

- the boundary type is selected from the group consisting of different

  origination and destination locations. (see p. 3, lines 15 - 18).

Neither Disclosed Prior Art, Alaia nor Whitten teach a method in which:

- the boundary type is selected from the <u>group consisting of interstate, inter-</u>

  <u>GTA, and international.</u>

Categorizing telecommunication service as interstate, inter-GTA and international

is old and well known in the art of telecommunications. It would have been obvious to

have modified Disclosed Prior Art and Alaia to categorize the type of service as

interstate, inter-GTA and international, as is well known in the art, to utilize terminology

and classifications of telecommunication service that are already standard in the

industry.

Regarding Claims 56 – 59, Disclosed Prior Art discloses a method in which a

first one of the telecommunications carriers provides services under a contract including

a minimum target quantity for a contracted class of the class of service (see p. 4, lines 21 – 24), the method further comprising:

- analyzing (monitoring) the traffic detail data (use) of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity (see p. 4, lines 24 – 27); and

- analyzing (monitoring) the traffic detail data (use) of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier. (see p. 4, lines 27 – 30);

- rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit. (see p. 4, lines 27 – 30);

- in which a contracting one of the telecommunications carriers provides services under a contract including a contracted service order fee, the method further comprising: analyzing the billing statement (detailed billing statement) to identify a service order event (billable event) including a billed order fee (billed fee). (see p. 2, lines 11 – 15);

- comparing the billed order fee (billed fee) with the contracted service order fee (correct fee) to identify a service order fee discrepancy (overcharge). (see p. 2, lines 11 – 15 – It is inherent that in identifying an overcharge, the analysts must compare the billed/actual fee against the correct fee); and

- notifying (identify) the customer of the service order fee discrepancy (overcharge). (see p. 2, lines 11 – 15).

Neither Disclosed Prior Art nor Alaia teach a method in which a first one of the telecommunications carriers provides services under a contract including a minimum target quantity for a contracted class of the <u>generic</u> class of service, the method further comprising:

- analyzing the <u>converted</u> traffic detail data of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity and

- analyzing the <u>converted</u> traffic detail data of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier;

- rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit; and

- <u>further comprising automatically generating a message to the contracting telecommunications carrier in response to the existence of the service order fee discrepancy, the message requesting adjustment of the billed order fee.</u>

Converting, translating, standardizing and/or categorizing data or information into a pre-determined generic/common format or grouping is old and well known in the art of computer systems and information management. It would have been obvious to one of

ordinary skill at the time the invention was made to have converted traffic data into a generic traffic format and categorized it into groupings to aid the reading and analysis of billing statements, as such conversion must be taking place, as at least within the minds of the analysts ("Since different telecommunications carriers deliver computer-readable billing data in different formats, the task of compiling historical use summaries and forecasting traffic is highly burdensome for a large company..." – see specification, p. 3, lines 3 – 7 – It is inherent that in compiling a summary based upon billing data in different formats would need to be converted into a common/standardized format, even if such conversion is mental, for summarization to take place) assisting in the manual process.

Common sense would dictate that once a service order fee discrepancy (overcharge) was identified, as disclosed by Disclosed Prior Art (see p. 2, lines 11 – 15), that the contracting telecommunications carrier would be contacted regarding the service order fee discrepancy for correction, as identification of a service order fee discrepancy without corrective action would serve no purpose.

Disclosed Prior does not teach that the traffic detail analysis and notification is automatic. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated the method, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding Claim 60, Disclosed Prior Art discloses a telecommunications

spending analysis system for analyzing multiple telecommunications billing statements

received by a customer from various telecommunications carriers, each

telecommunications billing statement including traffic detail data (detailed billing

statements) for multiple telecommunications traffic events, (see p. 2, line 7 – p. 3, line

23) comprising:

- relating the traffic detail data (traffic information) to multiple classes of

  service (class of service). (see p. 2, lines 16 – 28); and

- a traffic analysis step (analyzing billing information) in communication with

  the customer traffic history summary (historical use summaries) for

  analyzing the traffic detail data (detailed billing statements) to thereby

  allow convenient summarizing and reporting of the traffic detail data. (see

  p. 3, lines 1 – 7).

Disclosed Prior Art does not teach a system comprising:

- a set of computer-readable translation rules that relate the traffic detail

  data to multiple predefined generic classes of service;

- a traffic genericizing module for converting the traffic detail data to a

  generic traffic detail format in accordance with the translation rules;

- a customer traffic history database for storing the converted traffic detail

  data; and

- a traffic analysis software module in communication with the customer

  traffic history database for analyzing the converted traffic detail data to

thereby allow convenient summarizing, <u>storage</u>, and reporting of the traffic

detail data.

Converting, translating, standardizing and/or categorizing data or information into

a pre-determined generic/common format or grouping is old and well known in the art of

computer systems and information management. It would have been obvious to one of

ordinary skill at the time the invention was made to have converted traffic data into a

generic traffic format and categorized it into groupings to aid the reading and analysis of

billing statements, as such conversion must be taking place, at least within the minds of

the analysts ("Since different telecommunications carriers deliver computer-readable

billing data in different formats, the task of compiling historical use summaries and

forecasting traffic is highly burdensome for a large company..." – see specification, p. 3,

lines 3 – 7 – It is inherent that in compiling a summary based upon billing data in

different formats would need to be converted into a common/standardized format, even

if such conversion is mental, for summarization to take place).

Storage of information in a database and updating of such information is old and

well known in the art of computer system and database design. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have

modified Disclosed Prior Art and Alaia by incorporating a database, as is old and well-

known, and providing a method by which to update the database, as is old and well-

known, to provide an efficient manner by which to store, filter and, otherwise, analyze

incoming information.

Modular programming and constructing a system from modular components is old and well known in the art of computer system and manufacturing design. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Disclosed Prior Art and Alaia to have been constructed utilizing a modular design to capture all the benefits and advantages of modular design such as being easier to debug and maintain.

Regarding Claims 61 – 63, neither Disclosed Prior Art nor Whitten teach a system in which:

- the traffic genericizing module is operable on a personal computer;

- the customer traffic history database is accessible via the Internet for storing the converted traffic detail data;

- the traffic analysis software module is accessible remotely via the Internet using a web browser.

Having computer-operable modules/applications operable on a personal computer, and having such modules/applications and/or databases accessible for use via the Internet such as through a web browser is old and well known in the art of computer system design. It would have been obvious to modify Disclosed Prior Art and Alaia to have made such systems operable utilizing standard existing technology and technological standards.

Regarding Claims 64 – 68, Claims 64 – 68 recites similar limitations to Claims 53, 55, 50, 51, 56, respectively, and are therefore rejected using the same art and rationale as applied in the rejection of Claims 64 – 68.

Regarding Claims 69 – 71, further system claims would have been obvious from method claims rejected above, Claims 56 – 59, in combination, and are therefore rejected using the same art and rationale.

Claims 24, 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disclosed Prior Art and Alaia, as in Claims 16, 28 and 39 above, and in further view of Culloton (Culloton, Dan. *Going, going...Mastro Fine Sports of Oak Brook takes auctions to another level.* Daily Herald. Arlington Heights, Illinois. April 26, 1999. p. 1).

Regarding Claim 24, neither Disclosed Prior Art nor Alaia teach a system further comprising:

- a reference checking subsystem for receiving from each of the interested vendors an email address of a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor.

Utilizing a reference check for bidders, suppliers and sellers is old and well known in the art of sales and auctions. As evidenced by Culloton which states "So Mastro wanted to be sure that the company could still check the references of the bidders, verify their offers and conduct a secure and reliable online auction." (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Disclosed Prior Art and Alaia to incorporate a reference checking function, as disclosed by Culloton, into their online auction to provide for "a secure and reliable online auction."

Furthermore, communicating through email and the provision of email addresses

for such communication is old and well known in the art of communications and

information transmission. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have modified Disclosed Prior Art and Alaia to

conduct the reference check, as disclosed by Culloton, to allow for contact of reference

individuals through email, an established and existing technological means for

transmission of such information.

Regarding Claims 34 and 44, Claims 34 and 44 recite similar limitations to

Claim 24 and are therefore rejected using the same art and rationale as applied in the

rejection of Claim 24.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but

are moot in view of the new ground(s) of rejection.

The affidavits filed on 10/14/2005 under 37 CFR 1.131 is sufficient to overcome

the prior art references but are moot in view of new grounds for rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason M. Borlinghaus whose telephone number is (571)

272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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